

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	MH8329
SCOTT WEISS,	:	
	:	Civil Action No.
Plaintiff,	:	08 Civ 4527 (RWS)
	:	
- against -	:	
	:	
ROYAL AIR MAROC,	:	<b>ANSWER</b>
	:	
Defendant.	:	
-----	x	

Defendant ROYAL AIR MAROC ("RAM"), by and through its attorneys  
Condon & Forsyth LLP as and for its Answer to the Notice of Claim and Summons to Appear:

1. Denies the allegations in the Notice of Claim and Summons to Appear.

**AS AND FOR A FIRST SEPARATE AND  
COMPLETE AFFIRMATIVE DEFENSE**

2. The Notice of Claim and Summons to Appear fails to state a claim upon which relief can be granted.

**AS AND FOR A SECOND SEPARATE  
AND COMPLETE AFFIRMATIVE DEFENSE**

3. The transportation out of which the subject matter of this action arose was "international transportation" within the meaning of the Convention for the Unification of Certain Rules for International Carriage by Air, opened for signature on 29 May 1999 *reprinted in* S. Treaty Doc. 106-45, 1999 WL 33292834 (entered into force November 4, 2003) (hereinafter "Montreal Convention") and the rights of the parties are subject to, limited by or barred pursuant to the provisions of the Montreal Convention.


**AS AND FOR A THIRD SEPARATE  
AND COMPLETE AFFIRMATIVE DEFENSE**

4. Defendant RAM's liability to plaintiff is barred by plaintiff's failure to have timely checked in for his flight on RAM pursuant to the rules and regulations of RAM.

WHEREFORE, defendant ROYAL AIR MAROC demands judgment dismissing the Notice of Claim and Summons to Appear in its entirety or, together with the costs and disbursements of this action and such other and further relief which this Court deems just and proper.

Dated: New York, New York  
May 15, 2008

CONDON & FORSYTH LLP

By   
Michael J. Holland  
MH 8329

A Partner of the Firm  
Attorneys for Defendant  
ROYAL AIR MAROC  
7 Times Square  
New York, New York 10036  
(212) 490-9100

TO: Mr. Scott Weiss  
Plaintiff *Pro Se*  
360 West 43<sup>rd</sup> Street  
Apartment S4P  
New York, New York 10036  
(914) 589-7933

**AFFIDAVIT OF SERVICE BY MAIL**

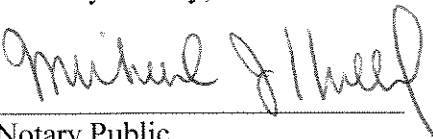
STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NEW YORK    )

Mary Ann Rooney, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Queens, New York. That on the 15th day of May, 2008 deponent served the within Answer upon:

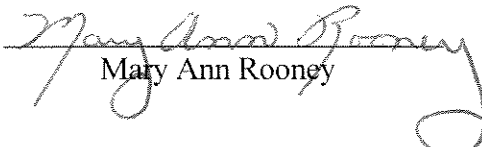
Mr. Scott Weiss  
360 West 43<sup>rd</sup> Street  
Apartment S4P  
New York, New York 10036

At the addresses designated by said individual for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Sworn to before me this  
15th day of May, 2008

  
\_\_\_\_\_  
Notary Public

MICHAEL J HOLLAND  
Notary Public, State of New York  
No. 41-4501283  
Qualified in Nassau County  
Commission Expires August 31, 2009

  
\_\_\_\_\_  
Mary Ann Rooney